

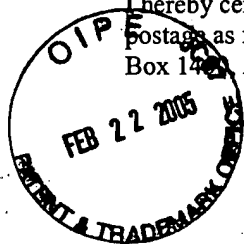
Attorney Docket No: NASH-001/03US

PATENT

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By:

Hanna Hacham



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of Jian Zhao *et al.*

Serial No.: 10/601,314

Examiner: Dentz, Bernard

Filed: June 20, 2003

Art Unit: 1614

For: **Methods of Making and Using Theaflavin, Theaflavin-3-gallate, Theaflavin-3'-gallate and Theaflavin-3,3'-digallate and Mixtures Thereof**

Mail Stop Amendment
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT TRANSMITTAL

Enclosed is an Information Disclosure Statement and accompanying Form PTO/SB/08A for the above-identified patent application.

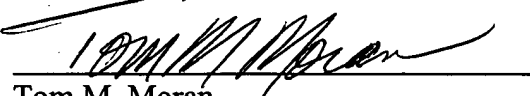
- ☐ In accordance with 37 C.F.R. §1.97(b), no additional fee for submission of the IDS is required.
- ☒ In accordance with 37 C.F.R. §1.97(c), also enclosed is:
 - ☐ the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p); or
 - ☒ a statement as specified in 37 C.F.R. §1.97(e).
- ☐ In accordance with 37 C.F.R. §1.97(d), a statement as specified in 37 C.F.R. §1.97(e) and the fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) are also enclosed.
- ☐ Check No. ___ in the amount of \$___ for the total fee is attached.
- ☒ A return receipt postcard is also enclosed.
- ☐ Please charge \$___ to Deposit Account No. (PA) 03-3117 (RE) 50-1283 for the total fee. This paper is being submitted in duplicate.

The Commissioner is hereby authorized to charge any appropriate fees under 37 C.F.R. §§1.16, 1.17, and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 03-3117.

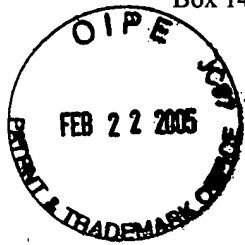
Dated: February 10, 2005
Cooley Godward LLP
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TMM\hh

Respectfully submitted,
COOLEY GODWARD LLP

By:


Tom M. Moran
Reg. No. 26,314

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By: Hanna Hacham

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**SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT
UNDER 37 C.F.R. §1.97(c)**

In accordance with the duty of disclosure set forth in 37 C.F.R. §1.56, Applicant(s) hereby submits the following information in conformance with 37 C.F.R. §§1.97 and 1.98.

- ☒ Pursuant to 37 C.F.R. §1.98, copies of B2 and C8-C16 documents cited in the attached Form PTO/SB/08 are enclosed.
- ☐ No copies of the publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98(d) because the publications were previously cited by or submitted to the Office in prior Application Serial No. ____ to which the above-identified application claims priority under 35 U.S.C. §120.
- ☐ No copies of any U.S. patents or U.S. patent application publications listed on the attached Form PTO/SB/08A are being provided pursuant to 37 C.F.R. §1.98 because this application was filed after June 30, 2003.
- ☒ Publication(s) B2 and C8-C16 listed on the attached Form PTO/SB/08A were cited in a foreign search or examination report corresponding to application serial no. EP 02 80 4079 and mailed on January 24, 2005.

- ☐ Enclosed is a copy of a non-English publication(s) _____. Pursuant to §609 of the M.P.E.P., Applicant submits the attached foreign search or examination report, which cites such non-English language publication(s).
- ☐ Enclosed is a copy of a non-English publication(s) _____. English language publication ____ (copy enclosed) claims priority from this non-English publication.
- ☐ Enclosed is an explanation of non-English publication(s) ____ for which an English translation is not available.
- ☐ Enclosed is an English translation of non-English publication(s) _____ cited in the attached Form PTO/SB/08A.
- ☐ Enclosed is a copy of pending patent Application Serial No. _____.

This Information Disclosure Statement is filed after the period specified in 37 C.F.R. § 1.97(b), but before the mailing of:

- ☒ a final action under 37 C.F.R. §1.113;
- ☐ a notice of allowance under 37 C.F.R. §1.311; or
- ☐ an action that otherwise closes prosecution in this application.

In accordance with 37 C.F.R. §1.97(c) also enclosed is:

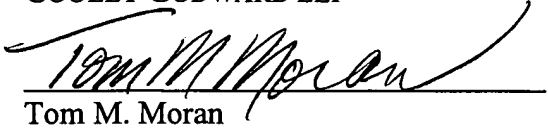
- ☐ Fee under 37 C.F.R. §1.17(p) in the amount of \$180.00; or
- ☒ Statement as specified in 37 C.F.R. §1.97(e):
 - ☒ Each item of information contained in the Information Disclosure Statement cited herein was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing date of the Information Disclosure Statement; or
 - ☐ No item of information contained in the Information Disclosure Statement submitted herewith was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned, having made a reasonable inquiry, no item of information contained in the Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of the Information Disclosure Statement.

It is respectfully requested that the Examiner consider the above-noted information and return an initialed copy of the attached Form PTO/SB/08A to the undersigned.

Dated: February 10, 2005
Cooley Godward LLP
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3000 El Camino Real
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Respectfully submitted,
COOLEY GODWARD LLP

By:


Tom M. Moran
Reg. No. 26,314



Substitute for form 1449A/PTO

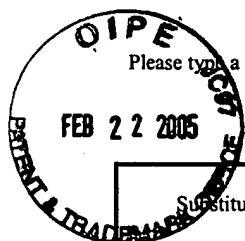
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| Sheet | 1 | of | 2 |
|-------|---|----|---|

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|-------------------------------|------------------|
| Application Number | 10/601,314 |
| Filing Date | June 20, 2003 |
| First Named Inventor | Thomas M. VAUGHN |
| Group Art Unit | 1614 |
| Examiner Name | Dentz |
| Attorney Docket Number | NASH-001/03US |

[illegible][illegible]Date
Considered

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PTO/SB/08A (08-00)

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|---|---|----|---|--------------------------|------------------|
| INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary) | | | | Complete if Known | |
| | | | | Application Number | 10/601,314 |
| | | | | Filing Date | June 20, 2003 |
| | | | | First Named Inventor | Thomas M. VAUGHN |
| | | | | Group Art Unit | 1614 |
| | | | | Examiner Name | Dentz |
| Sheet | 2 | of | 2 | Attorney Docket Number | NASH-001/03US |

| OTHER PRIOR ART – NON PATENT LITERATURE DOCUMENTS | | | |
|---|-----------------------|---|----------------|
| Examiner Initials* | Cite No. ¹ | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | T ² |
| | C8 | A. FINGER, "in-vitro studies on the effect of polyphenol oxidase and peroxidase on the formation of polyphenolic black tea constituents", J. Sci Food Agric, vol. 66, no. 3, 1994, pages 293-305, XP002312128 | |
| | C9 | Patent Abstracts of Japan, 11032725, MITSUI NORIN KK, 9 February 1999 (1999-02-09) | |
| | C10 | Patent Abstracts of Japan, 6256180, TAIYO KAGAKU CO LTD, 13 September 1994 (1994-09-13) | |
| | C11 | Chemical Abstracts, vol. 120, no. 63, 1994, abstract no.: 144138v, page 691 column 1, XP002312132 | |
| | C12 | Chemical Abstracts, vol. 127, no. 26, 1997, abstract no. 355154e, MENG. ME1: "influence of theaflavin on blood lipid...", page 25 column 2, XP002312133 | |
| | C13 | Chemical Abstracts, vol. 127, no. 14, 1997, abstract no. 190040z, ISHIKAWA, T. "effect of tea flavonoid supplementation...", page 577, XP002312134 | |
| | C14 | JEE Y. CHUNG: "mechanisms of inhibition of the ras-MAP kinase...", FASEB Journal, vol. 15, no. 11, September 2001 pp. 2022-2024, XP002312129 | |
| | C15 | HASHIMOTO, F. "evaluation of tea polyphenols as anti-HIV agents", Bioorganic and Medicinal Chemistry Letters, vol. 6, no. 6, 1996, pages 695-700, XP004135008 | |
| | C16 | H. YOSHIDA et al., "inhibitory effect of tea flavonoids on the ability of cells to oxidize l d l", Biochemical Pharmacology, vol. 58, no. 11, 1999, pages 1695-1703, XP002312131 | |
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|--------------------|--|-----------------|--|
| Examiner Signature | | Date Considered | |
|--------------------|--|-----------------|--|

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number.

² Applicant is to place a check mark here if English language Translation attached.